THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26895 of 2005

16.12.2005

Between:

S.M.Ameeruddin, S/o.S.Abdullah,
Madras Road, Kadapa Town and District.

… Petitioner

AND

The Mandal Revenue Officer, Chintakommadinne Mandal,
Kadapa District and others.

… Respondents

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WRIT PETITION No.26895 of 2005

ORDER:

The petitioner's father was allegedly assigned the land admeasuring Acs.5.00 in survey No.707/4 of Mamillapalle Village by D-Form patta. It is alleged that the petitioner is the sole legal heir and after demise of his father and mother, he approached the Mandal Revenue Officer for mutation of his name in the revenue records, which was granted and since then the petitioner is allegedly in possession of the land. He alleges that recently the third respondent started interfering with the property and on enquiries made he came to know that the second respondent granted mining lease vide proceedings dated 04.8.1998 in favour of the third respondent for quarrying lime stone which is useful for burning lime for building construction. Therefore, the petitioner is assailing the lease granted by the second respondent in favour of the third respondent.

A reading of the impugned order passed by the second respondent would show that on an application made by the third respondent, the Assistant Director of Mines and Geology, Kadapa conducted enquiry and submitted necessary proposals for grant of lease for quarrying lime stone. The same was considered and the lease has been granted for a period of ten years. The period of ten years is also coming to an end in a short while from now. At this stage, the petitioner impugnes the lease on the ground that the same is contrary to the 'No objection certificate' issued by the first respondent.

The petitioner has not explained the delay and laches properly. Further, he has other remedies under A.P. Mines and Mineral Concessions Rules, 1966 or the relevant Board Standing Orders. This writ petition challenging the lease granted in August 1998 cannot be entertained at this point of time.

The writ petition is, therefore, dismissed. No costs.

(**V.V.S.RAO, J**)

December 16, 2005.

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